

REMARKS

Claims 1, 2, 4-8 and 10-12 remain pending in the application. Upon entry of the present amendment, claims 1 and 12 will be amended, and claims 3, 9 and 13 will be canceled. Entry of the present amendment, reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

As an initial matter, Applicant would like to thank the Examiner for indicating that claim 13 included allowable subject matter.

In the Final Office Action of June 30, 2005, the Examiner objected to the specification, asserting that the recently amended title is not sufficiently descriptive. Upon entry of the present amendment, the title will be amended to "Digital Still Camera With Shifting Focus Lens." If the Examiner does not consider the amended title to be sufficiently descriptive, Applicant respectfully requests that the Examiner suggest a title which he considers to be sufficient.

In the Office Action, the Examiner objected to claim 1, asserting that the specification did not support the claimed feature of the "focus adjuster being positioned under said light-path space." Upon entry of the present amendment, this feature will be deleted from claim 1. Thus, upon entry of the present amendment, Applicant respectfully requests that the Examiner withdraw this objection.

In the Office Action, the Examiner rejected claims 1, 2, 4, 10 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Utagawa (U.S. Patent No. 5,784,656) in view of Goto (U.S. Patent No. 5,212,514). Applicant respectfully traverses the rejection

for at least the following reasons.

Applicant's present invention is directed to a digital still camera. The digital still camera includes, inter alia, a photographing optical system that forms a subject image by capturing a subject, and an image sensor provided in the body behind the photographing optical system along an optical axis defined by the photographing optical system. Light from the photographing optical system passes through a light-path space formed between the photographing optical system and the image sensor along the optical axis.

The digital still camera also includes a half mirror that directs the light from the photographing optical system toward the image sensor, a phase difference focus detector that detects whether the subject image is focused in accordance with a phase difference of light directed by the half mirror, and a focus adjuster that focuses the subject image in accordance with the phase difference. The focus adjuster includes a focusing lens. The digital still camera also includes a recording processor that exposes the image sensor for a predetermined period., and controls the focus adjuster to temporarily shift the focusing lens along the optical axis by an optical path length of the half mirror while the image sensor is exposed.

The Examiner acknowledged, in the Office Action, that the prior art fails to teach or reasonably suggest Applicant's focus adjuster, which includes a focusing lens, and recording processor, which controls the focus adjuster to temporarily shift the focusing lens along the optical axis by the optical path length of the half mirror while the image sensor is exposed, as previously recited in claim 13.

Upon entry of the present amendment, independent claims 1 and claim 12 will be amended to recite that the digital still camera includes a focus adjuster which includes a focusing lens, and a recording processor which controls the focus adjuster to temporarily shift the focusing lens along the optical axis by the optical path length of the half mirror while the image sensor is exposed. Applicant respectfully submits, and the Examiner has acknowledged, that the applied prior fails to disclose (or even suggest) this combination of features.

For at least these reasons, Applicant respectfully submits that upon entry of the present amendment, independent claims 1 and 12 will be in condition for allowance.

Applicant submits that dependent claims 2, 4 and 10 will also be in condition for allowance for at least the reasons set forth above with respect to independent claims 1 and 12.

Further, since the Examiner has already considered the above-noted features of claim 13, and has indicated that these features are absent in the prior art, Applicant respectfully submits that no new issues requiring further search and/or consideration are raised by including these features in independent claims 1 and 12. Applicants also submit that removal of the "positioned under said light path space" recitation from claim 1 does not raise a new issue because the Examiner did not substantively consider this recitation in his prior examination of the claim. For at least these reasons, Applicants submit that entry of the present amendment is appropriate.

In the Office Action, the Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Utagawa in view of Goto, and further in view of Van Heyningen

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(U.S. Patent No. 4,949,117). However, Applicant respectfully submits that dependent claim 5 is in condition for allowance for at least the reasons set forth above with respect to independent claim 1. Thus, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of claim 5.

The Examiner also rejected claims 6-8 under 35 U.S.C. § 103(a) as being unpatentable over Utagawa in view of Goto, and further in view of Hirasawa (U.S. Patent No. 6,091,450). However, Applicant respectfully submits that dependent claims 6-8 are in condition for allowance for at least the reasons set forth above with respect to independent claim 1. Thus, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of claims 6-8.

The Examiner also rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Utagawa in view of Goto, and further in view of Konno et al. (U.S. Patent No. 6,157,781). However, Applicant respectfully submits that dependent claim 11 is in condition for allowance for at least the reasons set forth above with respect to independent claim 1. Thus, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. § 103(a) rejection of claim 11.

Based on the above, Applicant respectfully submits that upon entry of the present amendment, this application will be in condition for allowance. Thus, Applicant respectfully requests that the Examiner enter the present amendment, and issue a Notice of Allowance.

SUMMARY AND CONCLUSION

Applicant recognizes that the status of this application is after final. Nevertheless, Applicant submits that entry of the present amendment is appropriate because the amendment does not raise any new issues requiring further search and/or consideration, and places the application in condition for allowance.

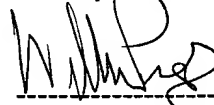
Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicant has made a sincere effort to place the present invention in condition for allowance and believes that he has now done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

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Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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